

Flood mitigation improvements that will decrease the risk of disastrous flooding events both above and below the dams;

Continued evaluation of the impacts of fully utilizing the F.E. Walter Dam and reservoir.

Regardless of the final changes to the FFMP, it is imperative that we not sacrifice the progress which has been made over the last number of years. All parties' specific concerns and opinions have value, but we must accept that if we are not willing to negotiate and compromise we jeopardize the safety, well-being, and economic viability of all communities within the Delaware River Basin.

I eagerly anticipate a finalized FFMP before the May 31 deadline. If a new FFMP cannot be negotiated within that time, a one-year extension should be agreed upon. Reverting back to the 1980s reservoir management approach is unacceptable.

I am more than willing to provide support as needed.

Sincerely,

JOHN J. FASO,
Member of Congress,
19th Congressional District of New York.

WESTERN WALL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BANKS) for 5 minutes.

Mr. BANKS of Indiana. Mr. Speaker, tomorrow, President Trump will embark on his first international trip as our Commander in Chief. I am very pleased to see that one of the first countries our President will visit is Israel, a nation that is a cherished American ally and a beacon of freedom in a troubled region.

This visit comes at an important time, as recent comments by an administration official created uncertainty as to whether the U.S. Government considers the Western Wall to be within Israeli territory. Located in the heart of Jerusalem's Old City, the Western Wall is one of the holiest sites in the world and a place where millions have gathered to pray and seek the presence of God.

Jewish tradition teaches that the Western Wall was an integral part of the Temple Mount and has been an important site in Judaism for more than 2,000 years.

It is vital that the United States Government recognize the Western Wall as part of Israel and that the President should affirm that position during his upcoming trip. I am hopeful that recognizing the Western Wall will be part of a process to formally recognize Jerusalem as the capital of Israel.

REPEALING THE DURBIN AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUDD) for 5 minutes.

Mr. BUDD. Mr. Speaker, right now we are having a fierce debate in the Republican Conference over the Durbin amendment, which is a price control on debit swipe fees. Retailers have claimed that the Durbin amendment is

about competition. They have claimed that it is about restoring a broken market. They have claimed that Visa, MasterCard, and issuing banks are engaged in price-fixing on swipe fees.

This is a key element of this debate. A vote to keep the Durbin amendment is a vote that rests on the idea that Members are sure that there is price-fixing in the debit card market. There is \$6 billion to \$8 billion per year at play here, and the violation of a core free-market principle, which is the notion that government should not be telling people what they can or can't charge.

My point would be that, if you do that, if you support that degree of command and control in the economy, you have got to be sure.

And should we be sure?

I go back to the Sherman Antitrust Act, which outlaws price-fixing. This is a criminal law. Hundreds of people have been put in jail for it. You can go to jail for up to 10 years for violating it, and the law has stood for more than 100 years.

Payment networks and retailers have been fighting over whether or not Visa, MasterCard, and issuing banks are violators of the Sherman Antitrust Act for 30 years. And one of the earlier rulings goes back to 1986.

There is ongoing litigation now. In fact, there are more than 15 different cases out there on this. Litigation, I would add, that the retailers have never won when cases went to trial. In the major cases that we have managed to find, they are 0-3.

They are actually in the middle of another big case right now. There was a settlement, and later a higher court set it aside. A sentence of that ruling reads:

"Discovery included more than 400 depositions, 17 expert reports, 32 days of expert deposition testimony, and the production of over 80 million pages of documents."

Eighty million pages. I have studied this issue for months, and I have not read 80 million pages. I am a retailer, and I have paid thousands of dollars in swipe fees, so I know the difference between point of sale and Square mobile payments. I have used these systems, but I still don't know.

That is why I oppose the Durbin amendment: because I am not sure that this price control is necessary. Therefore, I put the Federal Government in the role of judge, jury, and executioner for the payment industry. For me to do that, I would have to be sure.

I know that the government wasn't sure when they came up with the regulation. They originally came up with 12 cents per transaction. Then the final rule finally came in at 24 cents.

Were they right the first time?

Were they wrong the second time?

There is no way to know for sure.

I guarantee you that when we walk down to this floor and we vote on this issue and choose to uphold a policy which many free-market think tanks

have said harms consumers, Members will not have read 80 million pages. If we are honest with ourselves, most will not have read 80 pages. There is no way we could, given everything that is in front of the Federal Government, even if we wanted to.

Economist F.A. Hayek got at this in his criticism of the planned economy. He said that socialism doesn't work because of what he called "the unavoidable imperfection of man's knowledge."

Hayek was referring to human beings at large. I would offer that the knowledge of politicians—speaking for myself, in particular—must be that much more imperfect.

You don't have to believe that the banks are angels, and you don't have to disbelieve the retailers to oppose the Durbin amendment. You just have to feel a bit of doubt either way.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Pastor Glen Berteau, The House Modesto, Modesto, California, offered the following prayer:

God, Your Word says that unity and light extinguish darkness and chaos. We debate opinions while not recognizing that You are the answer. Behind me the words "In God We Trust" are not a suggestion.

God, we have told You to leave, but come back to our schools, our businesses, our streets, our families, our government. I ask You to fill the political seats in America with God-fearing, God-following leaders. I pray for our Nation to stop rising up in division against one another and instead kneel down and pray for one another.

Instead of petitioning opinions and protest, we petition You in prayer. I pray for hate to dissipate from the heart of our society. Lord, You are our protection, our sustaining power.

Protect our first responders. Protect our powerful military. Protect the citizens of this great Nation, and let us not forget that You are our national security.

In Jesus' name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.